

NOV 14 2016

November 13, 2016

Karen Mouritsen, State Director
BLM Eastern States Division
20 M Street SE, Suite 950
Washington, D.C. 20003

Re: Protest to mineral parcel sale scheduled for December 13, 2016 for the following parcels in the Marietta Unit of the Wayne National Forest, Monroe and Washington Counties, Ohio

Lease No.: OHES 058185, Tract ID: ES-003	Lease No.: OHES 058186, Tract ID: ES-004
Lease No.: OHES 058187, Tract ID: ES-005	Lease No.: OHES 058188, Tract ID: ES-006
Lease No.: OHES 058189, Tract ID: ES-007	Lease No.: OHES 058190, Tract ID: ES-008
Lease No.: OHES 058191, Tract ID: ES-009	Lease No.: OHES 058192, Tract ID: ES-010
Lease No.: OHES 058193, Tract ID: ES-011	Lease No.: OHES 058194, Tract ID: ES-012
Lease No.: OHES 058195, Tract ID: ES-013	Lease No.: OHES 058196, Tract ID: ES-014
Lease No.: OHES 058197, Tract ID: ES-015	Lease No.: OHES 058198, Tract ID: ES-016
Lease No.: OHES 058199, Tract ID: ES-017	Lease No.: OHES 058200, Tract ID: ES-018
Lease No.: OHES 058201, Tract ID: ES-019	Lease No.: OHES 058202, Tract ID: ES-020
Lease No.: OHES 058203, Tract ID: ES-021	Lease No.: OHES 058204, Tract ID: ES-022
Lease No.: OHES 058205, Tract ID: ES-023	Lease No.: OHES 058206, Tract ID: ES-024
Lease No.: OHES 058207, Tract ID: ES-025	Lease No.: OHES 058208, Tract ID: ES-026
Lease No.: OHES 058209, Tract ID: ES-027	Lease No.: OHES 058210, Tract ID: ES-028
Lease No.: OHES 058211, Tract ID: ES-029	Lease No.: OHES 058212, Tract ID: ES-030
Lease No.: OHES 058213, Tract ID: ES-031	Lease No.: OHES 058214, Tract ID: ES-032
Lease No.: OHES 058215, Tract ID: ES-033	Lease No.: OHES 058216, Tract ID: ES-034
Lease No.: OHES 058217, Tract ID: ES-035	

Dear Director Mouritsen:

I am protesting the sale of oil and gas leases for all of the above mineral parcels located in the Marietta Unit of the Wayne National Forest ("WNF"), Ohio's only National Forest. All but one are located in Monroe County, Ohio. The other is quite small and is located in Washington County, Ohio. The BLM's proposed actions will substantially impact the human environment negatively in and around each of the above-referenced parcels. Moreover, the EA is so defective in its preparation that it lacks validity as a NEPA document.

Horizontal Oil and Gas Wells Using Extremely High Pressure, Industrial-Grade Fracking

Time and again in recent years, the public has informed the BLM and U.S. Forest Service ("FS") of the inadequacies of the studies performed by the BLM and FS for the purpose of approving sales of oil and gas leases of mineral parcels in the WNF. The final BLM Environmental Assessment (EA) and FONSI issued for the December 13, 2016, auction of leases of the above-referenced parcels relies on outdated and insufficient research from the past. The FONSI is based on a 2006 FS ROD, which did not at all address modern, highly industrial horizontal drilling and hydraulic fracturing methods. Indeed, the manner in which the EA was written shows either a

complete lack of knowledge of the process and its inescapable, permanent destruction of the environment or an intentional effort to ignore reality in order to avoid NEPA obligations. In the BLM's rush to complete an EA rather than an EIS, an adequate leasing analysis was not conducted. Oil and gas leasing of the specific lands has not been adequately addressed in a NEPA document. If NEPA has not been adequately addressed, or if there is significant new information or circumstances as defined by 40 CFR 1502.9 requiring further environmental analysis, additional environment analysis must be done before a leasing decision for specific lands will be made.

The BLM and the Forest Service determined in 2006 that oil and gas extraction had been studied adequately within the Wayne and made all parcels available for leasing option. Neither agency gave any consideration to the proposed extraordinary contentious industrial invasion of our public lands by the method of horizontal high volume slick water drilling methods. This method is opposed in every forest in the U.S.! The controversy is raging and yet the BLM and FS turn deaf ears to the outcry from the public to be heard that this major environmental impact needs much more study!! I reviewed the comments submitted by the public, THIRTEEN THOUSAND SEVEN HUNDRED. It was difficult to sort the comments the way they were delivered to me on a USB drive. However, If half of the category, "draft EA comments" were pro mineral extraction that would be about 1,823 plus 314 that I was able to count in letters and emails equals 2,137. The remaining are against mineral extraction and selling of mineral parcels and that equals approximately 11,563 people. In addition, on November 14, 2016, a group of four citizens, which will include me, will deliver personally over NINETY THOUSAND petition signatures demanding the BLM stop the sale in December. The people are speaking, and the government agencies charged with listening and responding have shut us out.

Every one of the 33 parcels will have a major and significant impact on the environment. All or most of the parcels are on or near streams. One parcel BLM EOI-1639 is on the Little Muskingum River. Several parcels are near enough to the Ohio River that it is obvious that it will lead to adjacent mineral parcels to be available for leasing leading to the drilling under the Ohio River! Two parcels 085187-ES-005 include Deadhorse Run, a designated special area, as is parcel 058212 ES-030 in Witten Run. Deadhorse Run is rated as a warm water habitat by the Ohio EPA. It will be destroyed if fracking is allowed in that location. You cannot say that the FS will do an EIS AFTER the fact for these areas! What part of NO is not getting through? There appears to be a parcel very near Lamping Homestead. This exceptional area of the Wayne will be affected by the environmental impacts of horizontal drilling anywhere near.

In the draft EA, reference was made to the Bamberger and Oswald study, which is extremely important research that documents the highly detrimental impacts of fracking to human and animal health. http://www.psehealthyenergy.org/data/Bamberger_Oswald_NS22_in_press.pdf. Because the BLM had used this study in an attempt to support anticipated water withdrawals from streams, lakes and ponds by the oil and gas industry, the actual purpose of the study was noted in a public comment. The BLM simply remove reference to that study from the EA. The BLM noted in its response: "This reference was removed from the Final EA." The EA goes on to say NOTHING about studying the extreme health affects attendant to fracking. The BLM,

having used the Bamburger and Oswald study in the draft EA, certainly must admit knowledge of the severe health effects that modern, industrial horizontal drilling and hydraulic fracking has had on the human environment all over the country.

While the BLM may be permitted to rely on another agency's NEPA document in its EA, the BLM has a duty to verify the validity of that document before using the document. The BLM's use of the Bamburger and Oswald study in the draft EA demonstrates the BLM has irrefutable evidence that the FS's 2006 EIS and ROD is defective.

BLM's knowledge and use of the Bamburger and Oswald study, without more, demonstrates the complete unreliability of the EA. BLM and FS have a choice: without all parcels permanently or perform an EIS prior to proceeding further.

Violation of the Endangered Species Act: The Northern Long Eared Bat (Threatened)

In section 3.3.8.1.2 of the EA, Long Eared Bat, the BLM misstates and ignores the purpose of the USFWS's final 4(d) rule, which was issued earlier this year. In the EA, BLM sidesteps proper protocol for consultation with the USFWS and instead relies erroneously upon the inapposite "Biological Opinion for the Northern Long-eared Bat (*Myotis septentrionalis*) for the USDA Forest Service to Complete Six Ongoing Projects at the Wayne National Forest in Southern Ohio." The six projects in the document do NOT include the action of oil and gas extraction. The projects are: 2006 Athens Prescribed Burning, Pleasant Bear Vegetation Management, Ironton Habitat Enhancement and Fuels Management, Pine Creek Historic Forest Restoration, Gore-Greendale Diverse Continuous Forest, and Athens Tornado Salvage Treatment. The final 4(d) rule was adopted in April 2016 after having been published in the Federal Register on January 14, 2016. That certainly was in time for BLM to discuss the final rule, not the interim rule, in the EA. Yet in the EA, the BLM appears to have avoided or have been unaware of the final 4(d) rule since it makes reference to the interim rule.

The final 4(d) rule states the USFWS's approach to regulating incidental take of the Northern Long Eared Bat, listed as Threatened under the Endangered Species Act, reflects the significant role the fungus known as white nose syndrome ("WNS") plays as the central threat affecting the species. As WNS has moved across the range of the Northern Long Eared Bat, bat populations have declined, and they will continue to decline. The USFWS found that designating a "Critical Habitat" for the threatened species would not protect the bat. That is why the final 4(d) rule was adopted. As a result, the Service focuses its regulatory provisions on sensitive life stages at known, occupied maternity roost trees and hibernacula. Shockingly, BLM states in the EA that since the primary concern of the USFWS is WNS, the 4(d) rule is inapplicable to the proposed mineral leases apparently because WNS has been discovered in Athens and Hocking Counties in Ohio but not two counties away in Monroe County where most of the lease parcels are located. No attempt was made to understand the USFW's 4(d) rule, and there certainly could not have been a consultation with the USFWS other than one based on a misrepresentation of facts.

The bat predominantly overwinters in hibernacula that include caves and abandoned mines; and hibernacula are the considered a primary driver in the species distribution. Without disclosing a reliable source, the EA states there are no known hibernacula in Ohio. The BLM therefore claims that in all of Ohio, there are no caves, caverns and old mines. That is preposterous. Now, there may not be any official "known hibernacula" in Ohio, but that would mean only that no one in an official capacity has bothered to look. The bats that are in Ohio in the warm part of the year do not go away. Instead, they hibernate. That means they are out of sight. That official blind eyes have been turned is not a reason to ignore the winter hibernating locations of a threatened species. The fracking pads for horizontal drilling and hydraulic fracturing normally are three to five acres in size. Many millions of dollars are spent in building them so they are a very stable base for the industrial activities that will take place on them. The base is very, very thick (probably 10 to 15 feet), and it consists of fine gravel and other aggregate that has been shaped and compacted by giant trackhoes, D-9 bulldozers and very large road graders. Such fracking pads are not temporary. They will exist for at least a hundred years and probably many hundreds of years. If hibernacula are in the way of a fracking pad, they would be filled and crushed in the blink of an eye. All evidence of the hibernacula would be gone. There would be nothing left to protect.

In addition, the forest habitats surrounding hibernacula play important roles in the bat's life cycle beyond the time when they are overwintering. In both the early spring and fall, the hibernacula and surrounding forested habitats are the focus of bat activity in two separate periods, referred to as "spring staging" and "fall swarming." The activity described above in the building of just one drilling pad would devastate the forests. Maternity roost trees and the surrounding forest are necessary for the birth and nurturing of bat pups. Most of us would not know what a good bat roost tree is. According to a technical paper prepared by the Ohio DOT, they often look like dead trees with loose bark where the bats can shelter themselves. When viewed from directly below, their bare limbs reveal nicely formed canopies. Does the BLM contend there are no known bat roosting trees in Ohio? Monroe County is very rugged, sparsely populated, and heavily forested. Will the BLM allow the heavy equipment of oil and gas companies to destroy the hibernacula and maternity roosting trees just because it takes an expert to identify them and no one in an official capacity with sufficient expertise has bothered to look?

The author of the EA did not bother with hibernacula and maternity roosting trees. The author concluded that rule 4(d) could not apply because (1) WNS is the primary concern of the USFWS and (2) no critical habitat had been designated. Maybe the author of the EA should be sent to the USFWS for remedial lessons in how to read.

Every single county in Ohio is in the WNS Zone. The WNS Zone includes not only counties in which WNS has been confirmed but also counties within 150 miles of the confirmation locations. Monroe County is thirty or so miles from Athens County, where WNS has devastated bats.

Under the final 4(d) Rule, within the WNS zone, incidental take is prohibited only if:

1. actions result in the incidental take of the bat in hibernacula;
2. actions result in the incidental take of the bat by altering a known hibernaculum's entrance or interior environment if the alteration impairs an essential behavioral pattern, including sheltering bats; or
3. tree-removal activities result in the incidental take of the Bat when the activity either occurs within 0.25 mile (0.4 kilometer) of a known hibernaculum, or cuts or destroys known occupied maternity roost trees, or any other trees within a 150-foot (45-meter) radius from the maternity roost tree, during the pup season (June 1 through July 31).

Most amazingly, the EA totally avoids these restrictions and relies instead on an inapplicable BO, WNS (amazingly), and the lack of a designated critical habitat to shield the BLM and the FS from the requirements of the ESA. In the case of the Northern Long Eared Bat, the final 4(d) rule provides protection that a critical habitat designation cannot provide.

The demands on federal agencies under the ESA are rigid and unforgiving. They are much stronger than an agency's NEPA responsibilities. Were the FS not a silent, undisclosed cooperating agency in this EA, BLM might be able to avoid some of these responsibilities by claiming the FS has responsibility for the surface. Of course, hibernacula, being old mines and caves, are underground—the realm of the BLM when, as here, the surface lies within a National Forest. There is no avoiding BLM's responsibility. Experts with sufficient knowledge of the Northern Long Eared Bat must survey each parcel offered for lease and document all hibernacula and potential maternity roosting trees so that final rule 4(d) can be observed and applied properly. Until that is done, the lease of the parcels must be stopped.

Environmental Justice

The EA lacks attention to the 1994 Executive Order 12898 addressing Environmental Justice. The Council on Environmental Quality (CEQ) makes it clear that six principles must be applied in this EA (which should be an EIS).

1. Consider the composition of the affected area to determine whether low-income, minority or tribal populations are present and whether there may be disproportionately high and adverse human health or environmental effects on these populations;
2. Consider relevant public health and industry data concerning the potential for multiple exposures or cumulative exposure to human health or environmental hazards in the affected population, as well as historical patterns of exposure to environmental hazards;

3. Recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed action;
4. Develop effective public participation strategies;
5. Assure meaningful community representation in the process, beginning at the earliest possible time; and
6. Seek tribal representation in the process.

The Executive Order states: "Agencies should provide opportunities for effective participation by minority and low-income communities in the NEPA process. This includes identifying potential effects and mitigation measures in consultation with affected communities." The BLM and the FS held only three, so-called public meetings, in the District that provided no meaningful engagement with the public. The federal agents were scattered throughout a large room with little guidance to the public as to how to access the appropriate BLM or FS personnel to get answers to questions. The meetings were not meaningful or effective consultation or communication. In addition, the counties in which these meetings took place (Washington, Athens and Lawrence) were spread over 119 miles apart with a drive time of 2 hours and 20 minutes. That span did not include Monroe County where all but one parcel is located. The BLM did not reach out to the local communities, which are very rural. Most of the Monroe County residents would have no way of getting to a meeting.

Although the public was invited to make comments, most people did not know how to access the documents. The cumbersome process of evaluating 113 and then 206 pages of analysis in the EA is ludicrous, especially when the CEQ regulations specify that an EIS normally should not be longer than 150 pages. An EA is supposed to be much shorter and concise. Meaningful communication is effective outreach where the federal agents make sure that dialog happens with the concerned population. With respect to the WNF, this process has been controversial for over 5 years. Yet the BLM and FS continue to ignore the process that NEPA and the CEQ require to reduce or eliminate that controversy. There were NO PUBLIC HEARINGS! No opportunity for the public to ask questions, understand the process, and learn who is actually responsible for making decisions. No one saw any of the parcels until the final EA was released making it impossible AGAIN for the citizens to review and analyze the individual parcels and certainly not the potential adjacent landowner leasing which will greatly impact the cumulative effects of VOC's, methane and CO2 emissions.

We have been told the BLM and the FS have held NO public hearings because there is no legal requirement to do so. Consider the case of *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332 (1989). The Court stated:

The statutory requirement that a federal agency contemplating a major action prepare such an environmental impact statement

serves NEPA's "action-forcing" purposes in two important respects. It ensures that the agency . . . will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision making process and the implementation of that decision.

How different would the public involvement be if the agencies called this what it is....a MAJOR FEDERAL ACTION. You deny the public its due process by misusing the convenient methodology of the EA. All federal agencies are charged with compliance with Section 102 of The NEPA, which in turn requires all federal agencies to apply Sections 2 and 101 of the NEPA in all that they do when preparing NEPA documents. Public participation is at the heart of Sections 2, 101 and 102 of The NEPA. BLM is not excused from holding public meetings in Monroe County at locations where the populace could attend.

Addressing the low income population BLM refers to "per the CEQ guidance, while there are no specific criteria defining a 'low income population,' Federal agencies are directed to identify low-income populations using Census data poverty thresholds (CEQ, 1997). If a community as a whole has an average income at or below the poverty level, that community is considered a low income community. Therefore for the purpose of determining whether a low income population is present, comparisons are made between the poverty levels of the project area and the states of Ohio, West Virginia, and the U.S. overall. That certainly diluted and hid the most significant data—for the people living next to and around the parcels in Monroe County, Ohio. Neither the CEQ nor other federal guidelines call for a "meaningfully greater" analysis for low income populations comparable to that conducted for minority populations. Based on a review of socioeconomic data for the five counties within and directly adjacent to the WNF, the potential for low-income environmental justice populations residing near the Marietta Unit does exist." Monroe County, where 32 of the 33 parcels are identified has a poverty rate of 18.8% (<https://www.development.ohio.gov/files/research/p7005.pdf>) Yet, the EA stops short of any meaningful evaluation of what cumulative effects there might be on this population. There most certainly should be an evaluation of the health effects created by emissions of methane, VOC's and other forms of air pollution in particular from trucks, diesel engines and the like. The EA concludes there are no health risks as revealed in the FONSI. All of this was concluded from an armchair without any fracking health studies other the Bamburger and Oswald study, which was removed from the final EA and ignored. The failure to rely on the Bamburger and Oswald study and other fracking-related health studies is a violation of Executive Order 12898 because there is no study to support the BLM's conclusion in the EA!

Low income populations studied by OSU and Ohio Department of Health reveals in a study appearing in The Journal of Health Disparities Research and Practice that cancer rates in Appalachian counties are higher in some categories than non-Appalachian counties. The Bamburger and Oswald study is extremely important research that documents the highly detrimental impacts of fracking to human and animal health. See

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http://www.pschealthyenergy.org/data/Bamberger_Oswald_NS22_in_press.pdf. In response to Comments to the draft EA regarding this study, the BLM stated: "This reference was removed from the Final EA." Nothing more was said, as if eight words would be enough to hide BLM's knowledge of the Bamberger and Oswald study from the light of day. With that fateful knowledge, the author of the final EA wrote: "Future exploration, drilling or production could create an *inconvenience* to people living adjacent to development areas due to increased traffic and traffic delays, as well as light, noise and visual impacts."

Although minority populations in the Marietta unit do not meet the criteria of "significant" because the percentage of minorities purportedly is not high enough, there is a Native American Tribal population in this area. It is the Tutelo Nahyssan Tribal Nation. Although not recognized yet, their petition has been pending since 2005.

http://www.liquisearch.com/list_of_unrecognized_tribes_in_the_united_states/list_of_unrecognized_groups_claiming_to_be_american_indian_tribes/ohio. Tutelo Nahyssan Native Americans are low income population that of course was not reached by the BLM or FS in this process.

Violations of CEQ Regulations for Lead Agency and Cooperating Agency

The EA should list the FS as a cooperating agency on the cover and in the body of the final EA. Clearly, they are an almost silent cooperating agency, with neither agency apparently willing to admit. The CEQ regulations state that a lead agency (and as a result, a cooperating agency) can be designated by letter or memorandum. The BLM and FS executed the MOU Forest Service Agreement No. 06-SU-11132428-052 in 2006 ("MOU") specifically for oil and gas leases. As a result, on the EA, BLM is the lead agency and FS is the cooperating agency.

Nevertheless, there has been a lack of full cooperation between the BLM and the Forest Service. Many attempts have been made to have a conversation with the Regional Forester, Kathleen Atkinson, charged with the decision to consent to the sale of the 33 parcels. Other than the BLM and FS standing together three times in large rooms in three distant locations from the Wayne National Forest and the FS designating parcels as required by statute, those agencies had very little overt, meaningful cooperation. The following is my email correspondence with the Region 9 office and Kurt Wadzinski, BLM office in Milwaukee.

Wadzinski, Kurt <kwadzins@blm.gov>
Jul 13

to me, Dean

Hi Roxanne,

The BLM is still reviewing the comments from the draft EA and incorporating changes into a final EA. The Forest Service will also review and provide input for the final EA, as the surface managing agency. The Forest Service must provide authorization (or

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“consent”) to the BLM to offer specific lands for lease before the BLM can issue leases on those lands. BLM Eastern States management would approve the decision to authorize any parcels for lease, as part of the lease sale process.

The final EA will be posted on the the BLM Eastern States Nominated Parcels webpage (http://www.blm.gov/es/st/en/prog/minerals/nominated_parcel.html), on the project website, and made available at the Northeastern States District Office and the lease sale notice will be posted on the BLM Eastern States Competitive Sale Notices and Results webpage (http://www.blm.gov/es/st/en/prog/minerals/current_sales_and_results.html), on the project website, and made available at the Northeastern States District Office, at least 90 days prior to the lease sale date. A 30-day protest period will begin the day the lease sale notice is posted.

The Eastern States office will attempt to resolve protests before the sale of the protested parcels. However, protests that are not resolved do not prevent bidding on protested parcels at the auction. Protesting parties have the right to appeal denied protests to the Interior Board of Land Appeals (IBLA), but appeals will not automatically halt the auction or issuance of leases.

Once a Federal lease is issued on Forest Service lands and an Application for Permit to Drill (APD) is received by BLM, an additional NEPA analysis is completed where the Forest Service has the full responsibility and authority to approve and regulate all surface-disturbing activities associated with oil and gas exploration and development through additional analysis and approval of the Surface Use Plan of Operations (SUPO) component of an APD. The BLM has the full authority and responsibility to regulate all down-hole operations and directly related surface activities and use, and provides approval of the drilling plan and final approval of the APD on Forest Service lands.

I hope this answers your question, Roxanne.

Have a nice day,
Kurt

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Kurt Wadzinski
Planning & Environmental Coordinator

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Roxanne Groff <roxannegroff1227@gmail.com> Jul 22
to Katkinson, jhenry01
July 22, 2016

Dear Forester Atkinson,

There is much confusion on the part of the public in understanding the process for potential leasing of mineral parcels within the Wayne National Forest. The public meetings have yielded nothing in the way of true public participation or answers to questions the public have posed to the Forest Service concerning the BLM's EA and the participation of the Forest Service in its analysis. To better understand the process, and whether the FS is in compliance with NEPA I ask the following questions which then I hope to discuss via a phone conversation.

Under Exhibit 1 of the MOU the BLM and the FS will coordinate oil and gas leasing activities on NFS lands. Therefore:

1. Was the decision made to make leasing available based on the analysis . If so when and by whom?
Have you read and analyzed the EA written by the BLM?
2. Serving as lead agency for oil and gas leasing availability analyses and decisions and conduct analyses as directed under 36 CFR 228.102, were any decisions made, when and by whom?
3. Analyze split estate lands within boundaries of NFS units, was the decision made, when and by whom?
4. Is there insurance of consistency in lease stipulations across jurisdictional boundaries, was this decision made and if made, when and by whom?
5. Development of lease stipulations for NFS lands that are only restrictive as necessary to protect the resources for which they are applies. Was a decision made and if so when and by whom?
6. Has there been a performance of analysis of the effect of lease stipulations on oil and gas recovery as required under the Energy

policy Conservation Act of 2000. Was there a decision on this if so when was it made and by whom?

7. Has there been a decision of issuing leasing availability, if so when and by whom?

Also, I am aware the Rich Jones from the Marietta Unit of the Wayne has forwarded a request for consent to lease 2700 acres of land which has been evaluated by Wayne staff. Can you verify that? When will the final consent decision be made and to whom has that been delegated?

Please email back or call 740-707-3610 to set up a date and time for a conversation.

Thank you for your attention to this matter.

Sincerely,

Roxanne Groff

Bern Township Trustee

Amesville Ohio

Athens County

Atkinson, Kathleen -FS <katkinson@fs.fed.us>

Jul 24

to me

Hi Roxanne – I appreciate that there is confusion on the process. It is complicated, and we are working on a way to better explain the process to the public. Off-hand, I don't know the specifics to many of the questions below, so I will ask my Director for Minerals, Judi Henry, to pull together this info. Have you had a chance to talk with her yet?

Once I pull together this information, I'll ask Michelle to schedule a time where we can talk.

Kathleen

Roxanne Groff <roxannegroff1227@gmail.com>

Jul 24

to Kathleen

Yes , Judi and I have talked twice. She also was not able to answer any of my questions. I do look forward to having a conversation and encourage a conference call. I will also forward the latest email from the BLM concerning the EA.

Thank you for your prompt reply, I look forward to talking with you.

My telephone conversation with Forester Atkinson was never scheduled. BLM told me that the FS will comment on the EA (see email). When finally conversing with Judi Henry, Director of Minerals, Air, Lands, Soil and Water, on August 15, Ms. Henry told me that the FS had given

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consent in the 2006 Forest Plan and therefore their review of the EA was not necessary. The Forest Service is withholding information from the public, and therefore not disclosing how decisions are made on this EA process. Clearly a NEPA violation!

Conclusion

Director Mouritsen, the sale scheduled for December 13 must not go forward. There must be an EIS completed, or a new Forest Plan started in cooperation with the Forest Service to satisfy all requirements under the law to include the public in this decision making process.

Sincerely,



Roxanne Groff, Bern Township Trustee
14222 Marietta Run Road
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Roxannegroff1227@gmail.com

Attachment: "Field Guide for Potential Maternity Roost Tree (PMRT) Determinations, 2016 Programmatic Agreement for Indiana Bat and Northern Long Eared Bat," USFW and Ohio DOT.